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DAC

Docket No. 97 P 3021 C

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: 

Date: January 23, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas Fehn
Applic. No. : 10/026,265
Filed : December 21, 2001
Title : Method of Initializing a Simulation of the Behavior of an Industrial Plant, and Simulation System for an Industrial Plant
Attention : Office of Petitions

PETITION UNDER 37 C.F.R. 1.10(c)

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

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OFFICE OF PETITIONS

The facts leading to this petition are as follows:

The above-identified application was filed by the "Express Mail Post Office to Addressee" service of the US PS by being deposited on December 21, 2001. Therefore, the filing date accorded to this application by the Office should be December 21, 2001. However, the postcard which accompanied the application was returned by the PTO showing an incorrect filing date of December 22, 2001.

Enclosed herewith, in accordance with Rule 1.10 (c), is:

- a copy of the first three pages of the transmittal papers accompanying the application with a mailing certificate under 37 C.F.R. 1.10 properly executed on December 21, 2001
- a copy of the Express Mail Label with a Post Office stamp of December 21, 2001
- a copy of the postcard
- a declaration by the mail clerk

In view of the foregoing, applicants request that the filing date be corrected to show December 21, 2001.

I hereby declare that the foregoing facts have been stated on a personal knowledge basis and that the above-noted paper was submitted timely in accordance with the rules and regulations. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


For Applicant

LAURENCE A. GREENBERG
REG. NO. 23077

Date: January 23, 2002

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
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/bb



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DECLARATION

TO ACCOMPANY PETITION UNDER 37 C.F.R. 1.106

OFFICE OF PETITIONS

I, Michael J. Burns, hereby declare that:

- ❖ I have first-hand knowledge that the above-identified application was sent by Express Mail to the Patent and Trademark Office on December 21, 2001.
- ❖ I personally signed the mailing certificate on the cover sheet which accompanied the new US application.
- ❖ I have reviewed the pertinent pages of the outgoing mail log for December 21, 2001 and the pages show that the enclosed papers were indeed mailed by Express Mail on that date.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Michael J. Burns

Date: January 23, 2002



DOCKET NO. GR 97 P 3021 C Mailed December 21, 2001
CI? of
APPLIC. NO. 09/353,288 Express Mail EL500592356US
The stamp of the Patent Office hereon may be considered the date on which
papers indicated below were received.

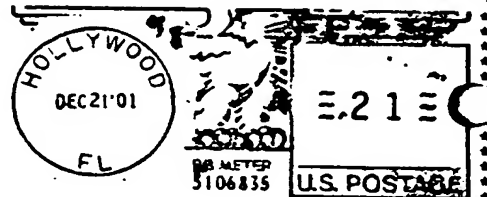
Applic pgs... Rule 53b New ☐ Contin ☐ Div ☐ CIP ☒ / Rule 53c Prov. ☐ / Rule 53d CPA... RCE ☐
☒ CIP 27 pgs ☐ Design ☒ Dwgs ☐ Declaration ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs... ☐ Prel. Amend pgs... ☐ Letter
☐ Response pgs... ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs... ☐ Appndx pgs... ☒ I.D.S. +... Refs.
☐ Assoc Pwr of Atty ☒ Credit Card \$ 740.00
☐ Pet. for Ext... Mo. ☐ Pet... ☐ Check \$
☐ Issue Fee ☐ Assignment ☒ PTOL 1449
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Practitioner's Docket No. GR 97 P 3021 C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231**

CONTINUATION-IN-PART APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor:

THOMAS FEHN

For (title):

**METHOD OF INITIALIZING A SIMULATION OF THE BEHAVIOR OF AN INDUSTRIAL
PLANT, AND SIMULATION SYSTEM FOR AN INDUSTRIAL PLANT**

1. Type of Application

This new application is for a

☒ Continuation-in-part (C-I-P).

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2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

☒ The new application being transmitted claims the benefit of prior U.S. application.
Enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL**
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. 1.53(b)

23 Pages of Specification

3 Pages of Claims

4 Sheets of Drawing

☒ Formal

B. Other Papers Enclosed

1 Page of Abstract

4. Additional Papers Enclosed

- ☒ Preliminary Letter
☒ Information Disclosure Statement (37 C.F.R. 1.98)
☒ Form PTO-1449 (PTO/SB/08A and 08B)

5. Declaration or Oath

- ☒ Enclosed, unsigned

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ The same.

7. Language

- ☒ English

8. Assignment

- ☒ An assignment of the invention to Siemens Aktiengesellschaft
☒ will follow.

9. Certified Copy

Certified copy of application

GERMANY	197 01 928.5	January 21, 1997
Country	Application No.	Filed

from which priority is claimed

- ☒ was filed in parent application No. 09/358,288

11. Fee Payment Being Made at This Time

- | | |
|--|-----------------|
| <input checked="" type="checkbox"/> Filing fee | <u>\$740.00</u> |
| Total Fees Enclosed | <u>\$740.00</u> |

12. Method of Payment of Fees

☒ Payment in the amount of \$740.00

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-1099.

☒ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

☒ 37 C.F.R. 1.17 (application processing fees)

☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

16. Instructions as to Overpayment

☒ Credit Account No. 12-1099.

☐ Refund



SIGNATURE OF PRACTITIONER

**WERNER H. STEMER
REG. NO. 34,956**

Tel. No.: (954) 925-1100

Fax No.: (954) 925-1101

/bb

P.O. Box 2480, Hollywood, FL 33022

P.O. Address

"Express Mail" mailing label number EL600692356US

Date of Deposit: December 21, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202



MICHAEL Q. BURNS